

**Upper Pittsgrove Township
Land Use Board Minutes
January 20, 2011**

TO: Township Committee
Land Use Board Members

Alan Newkirk, Twp. Clerk
L. Andrew Hoglen, Zoning Officer

A regular meeting of the Upper Pittsgrove Township Land Use Board was held in the Township Hall on the above date. The meeting was called to order at 7:30 P.M. by Board Chairman reading the public announcement stating that adequate notice had been given provided under the "Open Public Meetings Act" and a flag salute.

Members present were: John Coombs, Robert Duus, Edward Meschi (late), Thomas Buzby, Sarah Tarpine-Smith, Dale Wilson, Ralph Sickler, Glenn Myers, Alan Gardner, William Gantz and Linda Buzby.

Also present was: Sarah Walker, Recorder, George G. Rosenberger, Jr., Board Solicitor, Stephen J. Nardelli, Board Engineer, Sarah Birdsall, Planner, Jeffrey Daniels, Esquire, John and Deborah Renz, Bruce Bishop, Thomas Bishop and Township Visitors.

Business to come before the Board:

1. Reorganization
2. Minutes from December 16, 2010
3. Delsea Energy, LLC

1. Reorganization -

The Township Clerk, Linda Buzby, administered the Oath of Office to the following Board members: Class II – Linda Buzby (1 year term), Class IV – Full member – Thomas Buzby (4 year term), Ralph Sickler (3 years – Balance of term), Alan Gardner (Alternate 2 year term) and William A. Gantz (Alternate 2 year term). The Secretary then opened the nominations for Board Chairman. Thomas Buzby made a motion to nominate John Coombs as Board Chairman for the 2011 year. This motion was seconded by Glenn Myers. Thomas Buzby made a motion to close the nominations for Board Chairman. This motion was seconded by Glenn Myers and adopted unanimously. The Board voted unanimously for John Coombs as Board Chairman. The Board Chairman opened the nominations for Vice-Chairman. Thomas Buzby made a motion to nominate Robert Duus as Vice-Chairman for the 2011 year. This motion was seconded by Glenn Myers. Thomas Buzby made a motion to close the nominations for Vice-Chairman. This motion was seconded by Glenn Myers and adopted unanimously. The Board voted unanimously

for Robert Duus as Vice-Chairman. Robert Duus made a motion to designate the third Thursday of every month, except for March where there will be no meeting held, as regular meeting nights at 7:30PM and the second Thursday of every month as workshop meeting nights, if needed, where actions may or may not be taken at 7:00PM. This motion was seconded by Thomas Buzby and adopted unanimously. Thomas Buzby made a motion to designate *Today's Sunbeam* as the official newspaper of the Land Use Board and to designate *The Elmer Times* as the alternate. This motion was seconded by Robert Duus and adopted unanimously. Thomas Buzby made a motion to adopt a Resolution memorialize the designated meeting place and times for both regular and workshop meetings, as well as designating the official newspapers. This motion was seconded by Robert Duus and adopted unanimously. Robert Duus made a motion to appoint George G. Rosenberger, Jr. as the Board Solicitor for the 2011 year, Stephen J. Nardelli, Fralinger Engineering, PA, as Board Engineer for the 2011 year and Sarah E. Birdsall as Planner for the 2011 year. This motion was seconded by Dale Wilson and adopted unanimously. Robert Duus made a motion to adopt the Resolution appointing George Rosenberger Board Solicitor, Stephen J. Nardelli, Board Engineer, and Sarah E. Birdsall, as Planner for 2010. This motion was seconded by Thomas Buzby and adopted unanimously.

2. Minutes –

A motion to approve the minutes, with two corrections, from the December 16, 2010 meeting was made by Thomas Buzby. This motion was seconded by Robert Duus and adopted unanimously.

3. Delsea Energy, LLC – Block 55 Lots 12, 14, 14.01 & 30

The Chairman opened the hearing for Delsea Energy, LLC, which had been continued from the December 16, 2010. Board member Edward Meschi stepped down from participating in this application. Delsea Energy was represented by Jeffrey Daniels, Esquire. Mr. Daniels was handed a Certification by the Board Secretary that stated Board member Sarah Tarpine-Smith had listened to the tape for the December 16, 2010 hearing and reviewed all exhibits and documentation pertaining to the application. She was now qualified to act on it. This hearing would not be open to the public for comment and was for Board deliberation only. The Board Chairman explained to all present the recent trip some of the Land Use Board members took to the Atlantic County Utilities Authority to view an operating wind farm. The energy produced powered the adjoining sewage treatment plant and did not go out into the grid. George Rosenberger, Board Solicitor read the statutes regarding deliberating a Use Variance. Mr. Rosenberger commented that aesthetics were hard to address because you cannot screen the wind generators. However, the Board could place a condition on any approval stating no new steel distribution poles can be erected as a result of this application. The Board Chairman asked for a clarification as to what approvals were being requested at this meeting. Mr. Rosenberger responded that the applicant was seeking a Use Variance for a maximum of six wind generators. If they receive approval for those they would proceed with a hearing for a meteorological tower. Board member Glenn Myers questioned the location of the generators. Mr. Renz responded that they were depicted in the general location on the conceptual plan and would have a definite location when the applicant returned for site plan approval. Mr. Rosenberger stated that if the generators' locations moved drastically,

the approval would no longer be valid. Board member Sarah Tarpine-Smith stated that after listening to the tapes she had a few questions: what is the farming set back, and how does distribution take place. Mr. Renz responded that the electrical design had not been done yet, but the generators would not impede the existing irrigation. Their footprint would be approximately fifty feet by fifty feet. The electric lines would be run underground while on the Bishop ground and a depth of at least four feet. Board member Alan Gardner questioned the wording of "Phase I" on the conceptual plan. The Board Chairman was also concerned about this. Mr. Rosenberger stated that if Phase I was approved it did not set a precedent that subsequent phases would be approved. Ms. Tarpine-Smith questioned why the meteorological tower was not being requested first and asked how other municipalities had handled this. The response was that they had received the approval for the met tower first and not the generators in other municipalities. Those projects were smaller. There was more at stake on the Upper Pittsgrove site. There being no additional questions from the Board, Robert Duus made a motion to grant the requested height and Use Variances with the following conditions; limit of six wind generators, no distribution towers, steel poles are to be not to be constructed, and approval is subject to site plan submission and approval. This motion was seconded by Thomas Buzby and approved upon a call of the roll. Ayes: Coombs, Duus, Buzby, Myers, Sickler Nays: Tarpine-Smith, Buzby.

The Board Chairman opened the hearing for the meteorological tower. Mr. Daniels explained that Delsea Energy was seeking a Use and height variance for the met tower. Deborah Renz explained the location of the tower and why it was chosen. This particular site was bordered by farmland. Ms. Renz stated that the proposed height was to be 199 feet 6 inches. This was a temporary structure that was held in place by guide wires. It would have booms at forty, fifty and sixty meters containing equipment to record wind speed, barometric pressure and temperature. A small solar panel would power the instruments and data collection. The tower would be constructed on the ground by four to five persons and then set in place. Anchors are used to secure the tower guidelines and are pull-tested. This should take no more than two days to complete. Once the tower is up it will remain in place for two to three years collecting data. It takes several seasons of data collection to judge the need. These results will determine wind generator location, height and orientation. Board Planner Sarah Birdsall questioned the height of the packing house that was located on the property. The response was less than thirty-five feet. Ms. Renz continued. At the end of the data collection, the met tower would be removed and reused at another site. The tower has a high wind tolerance and should withstand hurricane force winds. Board member Thomas Buzby was concerned that there was no proposed protection for the guidelines which could be hooked by a farm implement. Ms. Renz stated that the space was limited under between the guidelines and that no farming could occur. James Miller, Planner for the applicant addressed the needed Use Variance with the Board. Mr. Miller stated that the granting of this Use Variance permits the previously granted Use Variance to move forward. It was his opinion that there was no detrimental impact to the Master Plan or Zoning Ordinance in permitting the meteorological tower. This was a passive use that created no noise and was temporary in nature. Board member Glenn Myers asked how far out the guidelines came and how far from the property line was the met tower located. The guidelines come out approximately 170 feet from the tower which was located 228 feet from the nearest property line. Mr. Gardner questioned the thickness of the line. The response was one-quarter inch of an

inch. There were three line to each quadrant or twelve total lines. There being no more questions from the Board, the Chairman opened the hearing to the public for comment. Elizabeth Myers asked a question of the applicant regarding additional poles along the roads. There being no other person speaking either for against this application, the Chairman closed the hearing to the public for comment. Thomas Buzby made a motion to grant the Use variance to erect a temporary meteorological tower and a height variance to permit said tower. This motion was seconded by Glenn Myers and adopted upon a cal of the roll. Ayes: Coombs, Duus, Buzby, Myers, Sickler, Tarpine-Smith and Buzby.

There being no further comment and business before the Board, Robert Duus made a motion to adjourn the meeting. This motion was seconded by Thomas Buzby and adopted unanimously.

Respectfully submitted,

Linda Buzby, Secretary
Upper Pittsgrove Township
Land Use Board